

## A REGULAR MEETING OF THE WESLACO CITY COMMISSION

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, May 3, 2011 at 6:00 p.m. for the purpose of discussing the following items:

### **I. CALL TO ORDER**

- A. Roll Call/Establish a Quorum.
- B. Certification of Public Notice
- C. Invocation.
- D. Pledge of Allegiance.
- E. Mayoral Proclamations.

### **II. CONSENT AGENDA**

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of Minutes of the Regular Meeting of April 19, 2011. Attachment.
- B. Approval of a Letter of Support to the Rio Grande Regional Water Authority Letter of Intent to the U.S. Bureau of Reclamation to complete an Alternative Regional Water Supply Feasibility Study and authorize the Mayor to execute. Attachment.
- C. Approval of Resolution No. 2011-24, described as WRD-210, "Designated Management Agency," for wastewater collection and treatment within its Wastewater Certificate of Convenience and Necessity (CCN) Facilities Planning Area in fulfillment of an application requirement to the Texas Water Development Board, and authorize the Mayor to sign any related documents. (The Commission approved submission of this application on February 15, 2011.) Attachment.

### **III. APPOINTMENTS**

*Standard documentation*

- A. Discussion and consideration to approve Resolution No. 2011-25 to appoint one member to the Weslaco Mid-Valley Airport Committee. Possible action. Attachment.

### **IV. NEW BUSINESS**

- A. Discussion and consideration to approve departmental reorganization to consolidate Public Facilities and Parks & Recreation Departments, establish a

Public Information Officer, and authorize budget, organizational chart, and job description amendments as appropriate (Item as requested by the Mayor). Possible action. Attachment.

- B. Discussion and consideration to approve the Concessionaire Agreement with EAN Holdings, LLC to make vehicles provided by Enterprise available for rent to users at the Mid Valley Airport and authorize the Mayor to execute any related documents. Possible action. Attachment.
- C. Discussion and consideration to approve the Memorandum of Agreement with the Texas Department of State Health Services for Mutual Aid of Emergency Medical Services by the Weslaco Regional Medical Response Team for reimbursements as related to a state-authorized deployment and authorize the Mayor to execute any related documents. Possible action. Attachment.
- D. Discussion and consideration to authorize acceptance of donation of a Dive Lift Bag set from Mission Fire Department and an inventory adjustment as appropriate. Possible action. Attachment.
- E. Discussion and consideration to amend the current lease agreement with Weslaco Little League to include use of Field #2 at Harlon Block Sports Complex for Girls' Softball. Possible action. (Agreement approved April 5, 2011.) Attachment.
- F. Discussion and consideration to authorize an expenditure in an amount not to exceed \$2,500.00 from the Preservation Fund for the purchase of death record binders, birth record binders, secure life ledger paper, and other supplies for the permanent retention of vital records as prescribed by the Texas Health & Safety Code §191.0045 (h) and authorize a budget amendment as appropriate. Possible action. Attachment.
- G. Status report:
  - 1. David Fox and Mary Lopez, with the Boys & Girls Club of Weslaco, regarding quarterly activities.

## **V. CITY MANAGER'S REPORT**

- A. Report on Departmental Update, Upcoming Meetings and Appointments.

## **VI. PUBLIC COMMENTS**

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. The Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

## VII. EXECUTIVE SESSION

*Texas Government Code, Section 551 Open Meetings:*

*§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty*

(a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

*§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability*

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. [Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.]

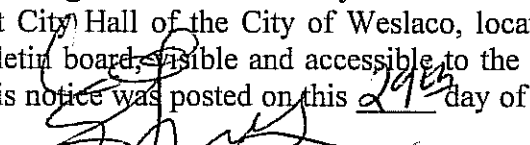
**NOTE:** Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

- A. Pending Litigation – Consult with City Attorney and Special Assigned Counsel Charles Frigerio regarding suit 2011-DCL-01375, *Aurora Perez Lopez, Homero Lopez, McQueen Produce Corporation v. City of Weslaco and Officer David Ponce in his Official Capacity and Individually and the Fourteen Unknown John Does* pursuant to §551.071 of the Texas Government Code.
- B. Pending Litigation – Discussion with City Attorney and Special Assigned Counsel Charles Frigerio regarding CL-10-4248-A, *T&T Investments, Raquel Trejo & Roberto Trejo, Plaintiffs v. Falcon International Bank, The City of Weslaco, & Rio Delta Engineering, Defendants* pursuant to §551.071 of the Texas Government Code.

## VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

## IX. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance outside bulletin board, visible and accessible to the general public during and after regular working hours. This notice was posted on this 29th day of April, 2011 at 5:30 a.m./p.m.

  
By: Elizabeth M. Walker, City Secretary  
City of Weslaco

**NOTE:** If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 3100 prior to the meeting date.